

# Notice of Allowability

Application No.

10/801,988

Examiner

Catherine M. Joyce

Applicant(s)

GEORGES ET AL.

Art Unit

1642

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment and Response filed August 16, 2007.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date August 16, 2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
KAREN A. CAVELLA PH.D  
PRIMARY EXAMINER

Art Unit: 1642

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

2. The Amendment filed August 16, 2007 in response to the Office Action of February 14, 2007 is acknowledged and has been entered. Claims 1-78 are pending, claims 8-77 are withdrawn from consideration as being drawn to a non-elected invention, and claims 1-7 and 78 are currently under prosecution.

3. The application has been amended as follows:

Claims 8-78 are canceled.

Claims 1 and 2 are amended as follows:

Claim 1: A method for detecting multidrug resistance ~~or multidrug resistance potential~~ in a test neoplastic cell, comprising:

a) measuring a level of cell surface-expressed triosephosphate isomerase protein in the test neoplastic cell of a given origin or cell type, and

b) comparing the level of cell surface-expressed triosephosphate isomerase protein in the test neoplastic cell to the level of cell surface-expressed triosephosphate isomerase in a control, nonresistant, neoplastic cell of the same origin or cell type,

wherein the test neoplastic cell is multidrug resistant or has multidrug resistance potential if the level of cell surface-expressed triosephosphate isomerase in the test neoplastic cell is detectably greater than the level of cell surface-expressed triosephosphate isomerase in the nonresistant neoplastic cell.

Claim 2: The method of claim 1, wherein measuring the level of cell surface-expressed triosephosphate isomerase in the test neoplastic cell comprises contacting a cell extract with an anti-triosephosphate isomerase antibody and measuring the level of antibody bound to cellular triosephosphate isomerase.


Art Unit: 1642

4. Authorization for this Examiner's Amendment was given in a telephone interview with Anne-Louise Kerner on September 11, 2007.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Joyce whose telephone number is (571) 272-3321. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley, can be reached at 571-272-0898. The fax phone number for this Art Unit is (571) 273-8300.



Catherine M. Joyce  
Patent Examiner  
Art Unit 1642



KARENA A. CANELLA PH.D  
PRIMARY EXAMINER